

Declassified in Part - Sanitized Copy Approved for Release 2013/10/30 : CIA-RDP88B00443R000903760022-6

*Draft
Statement for press*

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EXECUTIVE SECRETARIAT**ROUTING SLIP**

TO:

		ACTION	INFO	DATE	INITIAL
1	DCI		X		
2	DDCI		X		
3	EXDIR		X		
4	D/ICS		X		
5	DDI		X		
6	DDA		X		
7	DDO		X		
8	DDS&T		X		
9	Chm/NIC		X		
10	GC		X		
11	IG		X		
12	Compt		X		
13	D/OLL		X		
14	D/PAO		X		
15	D/PERS				
16	VC/NIC				
17	ES		X		
18	C/S		X		
19					
20					
21					
22					

SUSPENSE _____
Date _____

Remarks

The attached was received from NSA at 1025 this morning.

Executive Secretary

28 MAY 1986

Date

3637 (10-81)

STAT

Executive Registry

86-

2315x

The Government began prosecution of Ronald W. Pelton on charges of espionage yesterday, May 27, 1986. The trial of Mr. Pelton is expected to continue for approximately eight days' time and to include testimony from several Government officials. Presentation of the Government's case will include release of certain classified information involving communications intelligence activities of the United States. While not intending any comment on this ongoing criminal prosecution, it should be understood that the decision to make use of this information in trial has been made by appropriate Government authorities after careful consideration of the demands of trial and the potential harm that release of this selected data may cause the national security. The information thus selected has been carefully crafted to balance these competing interests. Those reporting on the trial should be cautioned against speculation and reporting details beyond the information actually released at trial. Such speculations and additional facts are not authorized disclosures and may cause substantial harm to the national security. Publication of such additional information may also constitute violations of criminal statutes and in particular of 18 U.S.C. § 798.

MEMORANDUM FOR: Mr. Casey

General Odom asks:

- 1) Can we use this as the official statement?**
- 2) Do you wish to make any changes?**
- 3) Can it be disseminated within the Intelligence Community?**

**betty
28 May 1986**

Date

1. DATE AND TIME TRANSMITTED

2. LINE MESSAGE NO.

3. DATE AND TIME RECEIVED

RECEIVED

28 MAY 86 14:21

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MAY 28 10 24 AM '86

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DISPATCHED

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4. FROM (Name)

(Office)

(Ext)

Gen Odom

1 Director of NSA 3111

5. SUBJECT OF MESSAGE

Belton's Prosecution

6. CLASSIFICATION/CONTROLS

UNCLAS

8. NO. OF PAGES

1

LDX TO
(9)DELIVER TO
(10)EXTENSION
(11)ROOM NUMBER
(12)Director of
Central Intel

Mr Casey

STAT

13. REMARKS

Expedite.

Must be delivered to Mr. Casey
by 10:30 a.m.

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TRANSMITTAL SLIP		DATE 28 May 1986
TO: DCI		
ROOM NO. 7D 60	BUILDING HQS	
REMARKS:		
FROM: General Counsel		
ROOM NO. 3S 17	BUILDING [REDACTED]	
FORM NO. 1 FEB 58 241 REPLACES FORM 38-8 WHICH MAY BE USED. (47)		

MAY 28 11 42 AM '86

STAT

3/28 11:30 AM

The Government began prosecution of Ronald W. Pelton on charges of espionage yesterday, May 27, 1986. The trial of Mr. Pelton is expected to continue for approximately eight days' time and to include testimony from several government officials. Presentation of the Government's case will include release of certain classified information involving communications intelligence activities of the United States. While not intending any comment on this ongoing criminal prosecution, it should be understood that the decision to make use of this information in trial has been made by appropriate government authorities after careful consideration of the demands of trial and the potential harm that release of this selected data may cause the national security. The information thus selected has been carefully crafted to balance these competing interests. No authority has been granted to disclose or report on any additional classified information beyond that actually released at trial. Disclosure of such additional classified facts and details may cause substantial harm to the national security. Publication of such additional information may also constitute violation of criminal statutes and in particular of 18 U.S.C. Section 798.

File

1/2000 - 2 would use the points

*down to the end of p 2
in my little presentation.
One or another of the three
of us should get the other
points across during the
session.*

Rg.

RGATES TALKING POINTS -- 29 May 1986

- While General Odom has been discussing the background of the statute concerning communications intelligence and much of the focus in recent days in the newspapers has been on that particular source of intelligence, we are deeply concerned about revelations of a number of other sources of intelligence as well. These include both imagery and human agents. As a result of revelations, we have lost human sources, fear for the lives of others and have seen the Soviets increasingly resorting to camouflage and other denial techniques as they learn more about our capabilities.

- Because the Congress protected only one type of intelligence source by specific statute, we have to rely on other measures to help protect other sources. Our efforts along these lines have taken two forms. First, we are attempting to tighten discipline within the Executive Branch. Second, we are attempting to initiate a dialogue with various elements of the media in an attempt to help them understand the fragility and importance of the sources that are being revealed. Moreover, we are hoping to persuade them that they too have a responsibility to their country and should do what they can to help us protect these intelligence sources.

- If we lose both our technical and human sources, our ability to protect the country and the first amendment are endanger.
- Some of the media have in fact demonstrated a considerable sense of responsibility and recognition of this separate but mutual obligation. We applaud this and also would point out that this voluntary restraint has not endangered the freedom of the press.
- The sources that have already been revealed in the press have significantly degraded our ability to provide advance warning of terrorist attacks and to track the activities of these groups. Additionally, information appearing in the press on some technical collection systems has gone beyond what we believe the Soviets have learned through other means and has contributed significantly to the far reaching measures they are carrying out to deny us knowledge about new weapon systems and other activities. Similarly, the revelations have contributed to our weakening ability to monitor Soviet compliance with arms control measures.

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-- What we are talking about here is not malfeasance, wrong doing, waste, fraud, abuse or mismanagement. ~~The press should be encouraged to go after those and we strongly support that.~~ We are talking about unique fragile sources of information that enable the United States to protect itself in a very unfriendly

world. There have been no allegations that these collection activities have been mismanaged or that any wrong doing has been involved. The only reason that they are being revealed in the press is because they are sensational. As a nation we are paying a heavy price for such sensationalism.]

- The decision by the President to use intelligence information to inform the American people is not on a par with unauthorized disclosures nor does it represent some sort of unfair unilateral advantage on the part of the government. Under the Constitution the President is charged with conducting foreign policy and providing for the national defense in cooperation with the Congress. He and they are elected by the people to do that, and when he makes his decisions it is his responsibility to educate and inform the American people as to the reasons behind his policies. To the degree that other classified information is needed to provide a check on the President in this regard, the Congress fulfills that function. And virtually all intelligence assessments provided to the President are provided also not only to the Intelligence Oversight Committees but also the Foreign Relations, Armed Services and Appropriation Committees. These are the Constitutionally mandated authorities for carrying out these responsibilities.
- When the decision is made to declassify information for these purposes, a process is initiated that involves a careful review

of the information by intelligence professionals to minimize the damage to intelligence sources and methods. In the final analysis, it is the President that must weigh the potential gain against the potential loss and whether in a prosecution or to explain policy to sacrifice some information -- but virtually always in a way that does not reveal the source itself.

-- The Communications law has not been used in more than 35 years in substantial measure because revelations of communications intelligence were relatively rare and the government understood that the decision to act would be controversial. However, in the last two years the veritable avalanche of revelations of sensitive communications intelligence sources has become so devastating that those of us in the intelligence business have concluded, with support in the Administration, that the cost to our intelligence capabilities now requires that this statute be applied.

-- It is sometimes said that the Russians already know what is being published in the press and that therefore the government is seeking to keep its secrets only from Americans. But how does the press know what the Russians know? Does it have penetrations of the KGB or the GRU? How is it in a position to judge the degree to which revelations confirm, update or amplify information that the Russians may have acquired from other means including spies? Moreover, does the press presume that these

intelligence capabilities have no other application except against the Soviet Union in terms of protecting our interests? Members of the press make bold assertions on these matters but in fact do not know.

-- Members of the press are prepared to go to jail to protect their sources. They know that such protection is fundamental to their work. Why, then, cannot the media understand the need, for the sake of the whole country, for the protection of the nation's sources of information on our adversaries?

-- We raise these issues not "to chill a free press" but because we are genuinely alarmed by the progressive neutralization of the nation's first line of defense: our intelligence capabilities. While the 1950 statute can help us protect communications intelligence, the problem is much broader and therefore we need the cooperation of the press. We can't force it and thus we would like to see the media calm down and discuss with us what is a serious problem -- and, we hope, recognize its own responsibilities and the need for ^{co-operation's sometimes} voluntary restraint ^{or in dealing} intelligence sources.

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matters that
can reveal or suggest

or at least
caution